

he is in no wise Guilty of the trespass and Ejectment above mencond and imposed upon him in manner and forme as the plaintiff above in his declaration against him hath complained and of this he puts himself upon the Countrey And the plaintiff alsoe Command was therefore given the Sherriff of Ann Arundell County that he cause to come here twelue etc. by whom etc. and who neither etc. to recognize etc. because as well etc.

Now here at this day to witt the Eighth day of November aforesaid came the said party's by their Attorneys and the Jurors of that Jury being calld likewise came to witt who being elected tryed and Sworne to say the truth in the premises do say wee of the Jury find for the plaintiff. And thereupon came the said Notley Rozier by his said Attorney and mooved the Court here in stay of the Judgment aforesaid upon the Verdict aforesaid Which was granted by the Court here and day is further given untill the next provi-
 vinciall Court

At which said next provinciall Court to Witt the Nineth day of May 1699 came the said party's by their Attorneys Aforcsaid and the said Notley by his said Attorney Exhibitted to the Court here his reasons for Arrest of the Judgment aforesaid which followeth in these words Vizt

1th The tract of land in Question is no other ways claimed by Lynes then by and under the title of John Duglass and it appears by the said Duglasses grant that he has it no other way then in trust and to the uses mentiond in Bridgett Heards will which trust does not give him such a property therein as to be capeable to make an absolute sale thereof as he has done to Lynes therefore the said Lynes title under the said Duglass is naught and not Sufficient to ground an Action upon against the said Rozier wherfore no Judgment ought to be entred upon the said Verdict for Lynes.

[184] 2^{dly} If the said Duglass has any title in his owne right to the said land it can be to no more then one fourth part thereof the one half being bequeathed to Wm Heard And the one half of the other remaining half to Mary Yonkins¹ and Duglass grant being to themselves of the Will gives him at most a property to no noe [sic] more then A fourth part of the said land which he relinquised to Roziers father (or if he had not he cannot have Judgment upon this Verdict for the whole land nor for any part in particular noe division being ever made between him and the other legatees and there being but an estate for life given by the will the grant to Duglass for the uses thereof (tho the word heires be put in does not enlarge the estate.

R: Gouldesborough

Thereupon by consent of both partys this cause was further continued.

And now here at this day to witt the 25th day of Aprill in the 12th Yeare of his Majestys reigne etc. Anno Dni 1698 came the said partys by their Attorneys aforesaid and the reasons in Arrest of the Judgment aforesaid was

¹ Yemkin, according to Land Office records.